

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

	)	<b>No. 2:12-cv-01083-JCH-CG</b>
<b>VALLEY MEAT COMPANY, LLC,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>DEFENDANTS' UNOPPOSED</b>
	)	<b>MOTION FOR A STAY OF</b>
<b>v.</b>	)	<b>PROCEEDINGS AND POINTS AND</b>
	)	<b>AUTHORITIES IN SUPPORT</b>
	)	<b>THEREOF</b>
<b>TOM VILSACK, Secretary of</b>	)	
<b>Agriculture, <i>et al.</i>,</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

Defendants, the Secretary of Agriculture and the Administrator of the Food Safety and Inspection Service, hereby move for an order staying all proceedings in this action pending the adjudication of *Front Range Equine Rescue v. Vilsack (FRER)*, No. 1:13-cv-00639-MCA-RHS (D.N.M.). Counsel for plaintiff, Valley Meat Company, LLC, advises that he does not oppose the stay of proceedings defendants hereby seek.

Plaintiff seeks an order in this action directing defendants to grant the application of plaintiff for a grant of inspection for the slaughter of horses and declaring unlawful the delay that allegedly has taken place in the granting of the application. On June 28, 2013, defendants granted plaintiff's application and, having done so, moved to dismiss this action as moot. By order dated July 26, 2013, the Court referred defendants' motion to Magistrate Judge Carmen E. Garza for proposed findings of fact and recommendations for disposition.

The Humane Society of the United States and other opponents of horse slaughter commenced *FRER* on July 2, 2013. By temporary restraining order dated August 2, 2013, the court in *FRER* enjoined defendants from “dispatching inspectors to [plaintiff’s] horse slaughterhouse faciliti[y] \* \* \* until further order of the Court”; directed defendants to “suspend

or withhold the provision of meat inspection services to [plaintiff] \* \* \* until further order of the Court”; and enjoined plaintiff “from commercial horse slaughter operations until further order of the Court.” Order (*FREER* ECF No. 94) at 7. Defendants do not consider the issuance of the temporary restraining order in *FREER* to be a ground for the denial of defendants’ pending motion to dismiss this action. At the same time, the issuance of that order raises considerable questions about what plaintiffs and defendants are permitted to do going forward. To permit those questions to be answered, defendants ask that all proceedings in this action be stayed pending the adjudication of *FREER*.

Respectfully submitted,

STUART F. DELERY  
Assistant Attorney General  
KENNETH J. GONZALES  
United States Attorney  
JOHN R. GRIFFITHS  
Ass’t Branch Dir., Dep’t of Justice, Civil Division

s/ David M. Glass  
DAVID M. GLASS, DC Bar 544549  
Sr. Trial Counsel, Dep’t of Justice, Civil Division  
20 Mass. Ave., N.W., Room 7200  
Washington, D.C. 20530-0001  
Tel: (202) 514-4469/Fax: (202) 616-8470  
E-mail: david.glass@usdoj.gov  
Attorneys for Defendants

Dated: August 9, 2013

### **CERTIFICATE OF SERVICE**

I hereby certify that on August 9, 2013, I served the within motion on all counsel of record by filing it with the Court by means of its ECF system.

s/ David M. Glass

